



भारत का राजपत्र The Gazette of India

असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 70]
No. 70]

नई दिल्ली, बुधवार, फरवरी 22, 1984/फाल्गुन 3, 1905
NEW DELHI, WEDNESDAY, FEBRUARY 22, 1984/PHALGUNA 3, 1905

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके

Separate paging is given to this Part in order that it may be filed as a separate
compilation

वाणिज्य मंत्रालय
(वाणिज्य विभाग)

आदेश

नई दिल्ली, 22 फरवरी, 1984

का० आ० 108(अ) :—केन्द्रीय सरकार, चाय अधिनियम, 1953
(1953 का 29) की धारा 30 की उपधारा (3) के साथ पठित
नं० 17 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए निम्नलिखित आदेश
जारी है, अर्थात् :—

1. संक्षिप्त नाम और प्रारम्भ :—(1) इस आदेश का नाम चाय
'निर्यात-अनुज्ञापन विनियमन' आदेश, 1984 है।

(2) यह राजपत्र में अपने प्रकाशन की तारीख से पन्द्रह दिन के
सात के पश्चात् प्रवृत्त होगा।

2. परिभाषाएं : इस आदेश में, जब तक कि संदर्भ में अन्यथा
निर्दिष्ट न हो :—

- (क) "अधिनियम" से चाय अधिनियम, 1953 अभिप्रेत है;
- (ख) "प्रारूप" से इस आदेश से अनुलग्न प्रारूप अभिप्रेत है;
- (ग) "हरी चाय" से विनिर्मित चाय की ऐसी किस्म अभिप्रेत है,
जिन्हें वाणिज्यिक रूप में हरी चाय कहा जाता है;
- (घ) "तत्काल चाय" से चाय के जलीय सार के निर्जलीकरण द्वारा
व्युत्पन्न जल विलेय चाय चूर्ण अभिप्रेत है;
- (ङ) "अनुज्ञप्ति" से इस आदेश के उपबन्धों के अधीन अनुदत्त
अनुज्ञप्ति अभिप्रेत है;

(च) "अनुज्ञापन प्राधिकारी" से चाय बोर्ड का अध्यक्ष अभिप्रेत
है;

(छ) "पैकेट चाय" से ऐसे यूनिट पैकों या आधारों में पैक की गई
चाय अभिप्रेत है जो किसी ब्रांड नाम से फुटकर विक्रय के
प्रयोजन के लिए मामूली तौर से रखे जाते हैं और जिन्हें
चाय बोर्ड ने अनुमोदित कर दिया है तथा इनके अन्तर्गत ऐसे
पैकेज भी हैं जिन्हें "जोटा" पैक कहा जाता है और जिनमें
दो पैकेट एक साथ पैक किए जाते हैं और ऐसे एक आधारीक
पैक यूनिट में चाय का शुद्ध भार एक किलोग्राम से अधिक
नहीं है;

(ज) "चाय थैली" से पैकेट अभिप्रेत है जिनमें संमिश्रित चाय या
संसाधित चाय, फिल्टर पेपर या नाइलान जालियों से बनी
ऐसी थैलियों में रखी गई है जिनमें प्रत्येक में 20 ग्राम से
अधिक चाय नहीं है और जिन्हें सीधे ठंडे या गर्म जल में
डुबोकर चाय तिकर का निस्सन किया जाता है, ऐसी थैलियों
का वाणिज्यिक नाम चाय थैली है; और

(झ) "चाय बोर्ड" से अधिनियम की धारा 4 के अधीन स्थापित चाय
बोर्ड अभिप्रेत है।

3. निर्यात अनुज्ञापन :—किसी चाय का निर्यात तब तक नहीं किया
जाएगा जब तक कि वह इस आदेश के उपबन्धों के अनुसार जारी की
गई किसी अनुज्ञप्ति के अन्तर्गत नहीं है :

परन्तु—

- (क) केन्द्रीय सरकार या चाय बोर्ड द्वारा या उसकी ओर से;
- (ख) डाक पार्सन के माध्यम से;

जाय (निर्यात विनियम अनुशासन) आदेश, 1984 के पैरा 5
अधीन निर्यात सविज्ञा के रजिस्ट्रीकरण के लिए आवेदन ।

सेवा में,

अनुकूलि प्राधिकारी,
चाय बोर्ड

श्रीमान् जी,

मैं/हम चाय के लिए निर्यात सविदा के रजिस्ट्रीकरण के लिए आवेदन करता हूँ/करते हैं। आवश्यक विशिष्टियाँ नीचे दी गई हैं :

- (1) आवेदक का नाम
(बड़े अक्षरों में)
- (2) निर्यातकर्ता की अनुकूलि सं०
- (3) पूरा पता, जिस पर पत्र व्यवहार भेजा जाना चाहिए
- (4) आयातकर्ता का नाम और पता
- (5) गंतव्य का देश
- (6) परिवान अनुसूची
- (7) पैकिंग
- (8) कुल वजन : किग्राग्राम में
- (9) कुल निशुल्क पोत पर्यन्त मूल्य
- (10) एकक मूल्य (निशुल्क पोत पर्यन्त रूप/किग्राग्राम)
- (11) सदाय के निबन्धन
- (12) पूर्ण वर्णन सहित चाय की क्वालिटी

2. एक स्वतंत्र दलाल (श्री/श्रीमती) से जो चाय बोर्ड द्वारा बनाए रखे गए पैल में है, प्राप्त चाय की वास्तविक प्रमाणपत्र संलग्न है।

3. निर्यात सविदा उसका प्रति सहित मूल रूप में संलग्न की जाती है। कृपया मूल प्रति को रजिस्ट्रीकरण के पश्चात् लौटा दिया जाए।

4. मैंने/हमने चाय (निर्यात विनियम अनुशासन) आदेश, 1984 को सावधानीपूर्वक पढ़कर समझ लिया है और मैं/हम उक्त आदेश के उपबंधों का पालन करने के लिए सहमत हैं।

स्थान
तारीख

प्रबन्धीय

(आवेदक के हस्ताक्षर)

[फा० सं० ट-11012(2)/84-प्लेट-क]

बी० सी० पांडे, अपर सचिव

MINISTRY OF COMMERCE

(Department of Commerce)

ORDER

New Delhi, the 22nd February, 1984

S.O. 108(E).—In exercise of the powers conferred by section 17 read with sub-section (3) of section 30 of the Tea Act, 1953 (29 of 1953), the Central Government hereby makes the following order namely :—

1. Short Title and commencement.—(1) This order may be called the Tea (Regulation of Export Licensing) Order, 1984.

(2) It shall come into force on the expiry of 15 days from the date of its publication in the Official Gazette.

2. Definitions.—In this order unless the context otherwise requires :—

- (a) 'Act' means the Tea Act, 1953 ;
- (b) 'Form' means the form appended to this order ;
- (c) 'green tea' means the variety of manufactured tea commercially known as green tea ;
- (d) "instant tea" means a water-soluble tea powder derived by dehydration of aqueous extract of tea ;
- (e) 'licence' means a licence granted under the provisions of this Order ;
- (f) 'Licensing Authority' means, the Chairman of the Tea Board ;
- (g) 'packet tea' means tea packed in unit packs or containers of a type as are ordinarily put up for the purpose of retail sale under a brand name and have been approved by the Tea Board and includes packages known as "Jota" of two packs packed together in which the net weight of tea contained in the basic pack unit does not exceed one kilogram ;
- (h) 'tea bags' means packets containing blended or processed tea in bags made of filter paper or nylon net containing not more than 20 gms. of tea per bag for brewing of tea liquor by direct immersion of such bags in hot or cold water, and commercially known as tea bags ; and
- (i) 'Tea Board' means the Tea Board established under section 4 of the Act.

3. Export Licensing.—No tea shall be exported unless covered by a licence issued in accordance with the provisions of this order ;

Provided that no licence shall be required for tea exported :

- (a) by or on behalf of the Central Government or the Tea Board ;
- (b) by means of a postal parcel ;
- (c) as personal effects of passengers ;
- (d) for any non-commercial purposes.

4. Registration of Export Contracts.—Every contract for export of tea shall be submitted for registration to the Licensing Authority not later than the eleventh day of its conclusion, provided that no contract in respect of the following shall require registration :—

- (a) for export of packet tea, instant tea, tea bags and green tea ; and,

- (b) for export of tea purchased wholly through auctions held at Calcutta, Siliguri, Gauhati, Amritsar, Cochin, Coonoor or Coimbatore or tea consigned for public auctions abroad.

5. Submission of Export Contracts for Registration.—(a) Every contract for export of tea required to be registered under this order shall be submitted in Form 'A' to the Licensing Authority or to any officer of the Tea Board specifically authorised in this behalf by the Licensing Authority.

(b) Every such contract shall be accompanied by a valuation report regarding the tea by an independent broker borne on the panel to be maintained by the Tea Board.

(c) The Licensing Authority or the officer authorised under sub-paragraph (a) shall, after scrutinising the contract and having regard to the valuation report and among other factors, the prevailing prices and the contract price, quantity involved and destination, register or refuse to register a contract.

(d) Refusal to register a contract shall be for reasons to be recorded in writing and communicated to the applicant within a period of 15 days from the date of receipt of the request for registration.

(e) The Licensing Authority may appoint a penal of exports for advising him in the discharge of his functions under this Order.

6. Period of Validity of Registration.—A registration granted under Sub-paragraph (c) of paragraph 5 shall be valid for a period of 90 days from the date of grant of registration provided that the validity of a registration may be extended by a further period of 30 days if Licensing Authority or the Officer authorised under Sub-paragraph (a) of paragraph 5 is satisfied about the sufficiency of the reasons for seeking such extension.

7. Submission of Particulars of Registration for Export Licence.—No licence for export of tea against contracts required to be registered under this order shall be issued unless the applicant for a licence submits to the Licensing Authority the relevant particulars relating to its registration.

8. Validity of Licence for Shipment.—No licence issued against contracts registered under this order shall be valid for shipments made after 90 days from the date of registration or the extended period given under paragraph 6.

9. Refusal to grant Export Licence in Certain Circumstances.—The Licensing Authority or the Officer specifically authorised in this behalf under Sub-paragraph (a) of paragraph 5 may, issue a licence or, after giving an applicant an opportunity of being heard, refuse to issue a licence if they

come to the conclusion that there has been any misrepresentation as to any material particular at the time of registration of the export contract.

10. Appeal.—Any person aggrieved by an order of refusal to register an export contract under paragraph 5 or refusal to the issue of a licence under paragraph 9 may, within a period of 30 days of such order or refusal, appeal to the Central Government and the Central Government shall, thereupon, decide the matter.

11. Conditions of Licence.—(1) Every licence shall be deemed to have been granted personally to the licensee and no licence shall be sold or otherwise transferred.

(2) Where a licensee sells or otherwise transfers his business to another person, the purchaser or transferee, as the case may be, shall obtain a fresh licence in accordance with the provisions of this order.

(3) If a licensee enters into a partnership in regard to the business covered by his licence, he shall report the fact to the Licensing Authority within thirty days of entering into such partnership and shall get the licence suitably amended.

(4) If a partnership holding a licence is dissolved, every person who was a partner immediately before such dissolution shall send a report of the dissolution to the Licensing Authority within thirty days thereof.

12. Service of Orders and Directions.—Any order or direction made or issued by the Licensing Authority or the officer specifically authorised in this behalf under sub-paragraph (a) of paragraph 5 shall,

(a) in the case of an order of a general nature or affecting a class of persons, be notified in the Official Gazette; and,

(b) in the case of an order directed to a specified individual, be served on such individual—

(i) by delivering or tendering it to that individual, or,

(ii) if it cannot be so delivered or tendered, by affixing it on the outer door or some other conspicuous part of the premises in which that individual lives or carries on business, or personally works for gain and a written report thereof shall be prepared and witnessed by two persons living in the neighbourhood.

Form 'A'

(See paragraph 5)

Application for Registration of export contract under paragraph 5 of Tea (Regulation of Export Licensing) Order 1984.

To

The Licensing Authority,
Tea Board

.....
.....

Sir,

I/we apply for registration of an export contract for Tea.
Necessary particulars are furnished below :

- (1) Name of applicant (in block
letters)
- (2) Exporters Licence No.
- (3) Full address to which correspondence should be sent
- (4) Name and address of Importers.

- (5) Country of destination
- (6) Delivery schedule
- (7) Packing
- (8) Net weight in Kgs
- (9) Total F.O.B. Value
- (10) Unit value (F.O.B. Rs./Kg.)
- (11) Terms of payment
- (12) Quality of Tea with full description

2. A valuation certificate regarding the tea from an independent broker (Shri/S/Shri.....) borne on the panel maintained by Tea Board is enclosed.

3. The export contract is enclosed in original with a copy thereof. The original may kindly be returned after registration.

4. I/We have carefully read and understood the Tea (Regulation of Export Licensing) Order 1984 and agree to abide by the provisions of the said order.

Yours faithfully,

Place : (Signature of Applicant)

Date :

{File No. K-11 012(2)/84-Plant. A}

V.C. PANDE, Addl. Secy.

